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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hideyuki Suzuki et al.
Serial No.: 10/614,963
Filed: July 8, 2003
For: MICROPLATE
Art Unit: 1641
Examiner: Chin, Christopher L.
Att'y. Docket: 520514.00006

Response to Office Action

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the Office Action mailed on June 23, 2004. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of claims 1-3.

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Lyman et al. (U.S. Pat. No. 5,084,246). Lyman et al. discloses a multi-well test plate which includes a base 12 and a plurality of well strips 16. The base 12 consists of four vertical side walls 18, 20, 22, 24 which form a rectangular frame 26 having a central aperture 28. A horizontal top flange 30 extends inwardly from the top edges of the side walls on which is disposed a plurality of locating member 32, 36 for aligning and securing the well strips to the base (See, column 2, lines 40-53).

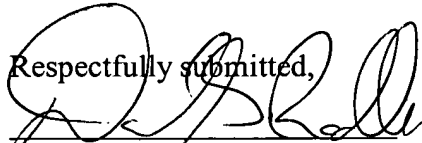
The present invention relates to a microplate which includes a base and a plurality of wells formed in the base. In the preferred embodiment, the base is provided with a series of mark parts formed along an edge thereof, each of which corresponds to one row or column of the wells. Each of the mark parts is connected to the base and defined by notches formed in the base edge so that mark part may be folded, twisted, and/or removed from the base to

identify the particular microplate associated with the folded, twisted, and/or removed mark part.

Lyman et al. fails to disclose or suggest mark parts formed along at least one of the edges of the base which are defined by the notches. The Office Action asserts that each pair of locating members (32) are considered to read on the "notches" recited in claim 1 of the present application. Applicant respectfully disagrees with this assertion. The locating members (32) of Lyman et al. are ribs disposed between numerical column designations 19 above the side wall 20. The ribs 32 define indentations 40 in an edge of the side wall 20 in which well strip flanges 44 fit and do not define mark parts or any other structure that can be used to identify the test plate. Accordingly, the locating members (32) disclosed in Lyman et al. cannot be considered notches that define mark parts, as required in claim 1. Therefore, Lyman et al. cannot anticipate claims 1 and 2 of the present application.

In the Office Action, claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lyman et al. in view of Hevey et al. (U.S. Patent 4,510,119). As discussed above, Lyman et al. does not disclose mark parts formed along at least one of the edges of the base which are defined by the notches, as required in claim 1. Hevey et al. does not rectify this deficiency. Claim 3 ultimately depends from claim 1. Accordingly, claim 3 cannot be obvious in over Lyman et al. in view of Hevey et al.

In view of the above remarks, Applicant respectfully asserts that claims 1-3 are allowable over the cited references. Accordingly, reconsideration and allowance of claims 1-3 are respectfully requested. No additional fees for filing this response are believed to be due. However, if such fees are due, the Commissioner is hereby authorized to charge them to deposit account no. 17-0055.

Respectfully submitted,

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